

Assembly Bill No. 685

Passed the Assembly September 9, 2009

Chief Clerk of the Assembly

Passed the Senate September 3, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add 17070.54 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 685, Davis. School facilities: athletics: compliance.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts state funding for the construction and modernization of school facilities, provided that the school districts demonstrate eligibility for this funding by complying with various requirements. The State Department of Education has specified responsibilities in the process of determining whether a project proposed for funding complies with pertinent requirements.

Existing federal law generally prohibits any person from being excluded from participation in, denied the benefits of, or subjected to discrimination under, any education program or activity receiving federal financial assistance.

This bill, with respect to athletics-related facilities only, as defined, would require the State Department of Education to include, as part of its review of an application for new construction plan approval, a determination of whether the proposed project would provide the opportunity for gender equitable access to athletic facilities or provide equity in the size and quality of areas to be used exclusively by either boys or girls.

The bill would authorize the State Department of Education to convene a working group to develop guidelines and procedures for the implementation of the bill, and would require that the activities of the working group be funded from existing department resources. The bill would authorize the department to submit a report, including the guidelines and procedures developed for implementing the bill, and including any additional pertinent recommendations, to the chairpersons of the Assembly and Senate committees on education no later than December 31, 2010.

The people of the State of California do enact as follows:

SECTION 1. Section 17070.54 is added to the Education Code, to read:

17070.54. (a) (1) With respect to athletics-related facilities only, the State Department of Education shall include, as part of its review of an application for new construction plan approval, a determination of whether the proposed project design would accomplish either or both of the following:

(A) Provide the opportunity for gender equitable access to athletic facilities.

(B) Provide equity in the size and quality of areas to be used exclusively by either boys or girls, including, but not necessarily limited to, locker rooms, playing and practice facilities, or medical and training service areas.

(2) As used in this section, “athletics-related facilities” include, but are not necessarily limited to, gymnasias, playing fields, and hardcourts proposed to be used for interscholastic sports sanctioned by the California Interscholastic Federation or for other extracurricular athletic events.

(b) (1) The State Department of Education may convene a working group to develop guidelines and procedures for implementation of subdivision (a) in a manner that is consistent with Sections 230 and 66271.6 and to make any recommendations for changes that are necessary for the implementation of subdivision (a). The State Department of Education may submit a report including the guidelines and procedures developed for implementing subdivision (a), and including any additional pertinent recommendations, to the chairpersons of the Assembly and Senate committees on education no later than December 31, 2010. If the State Department of Education convenes a working group pursuant to this subdivision, the activities of the working group shall be funded from existing department resources.

(2) If the State Department of Education convenes a working group pursuant to this subdivision, the Superintendent shall select the members of that working group, and shall include among those members one representative from each of the following:

(A) The School Facilities Planning Division of the State Department of Education.

(B) The Office of Equal Opportunity of the State Department of Education.

(C) The California Interscholastic Federation.

(D) The Civil Rights Enforcement Section of the State Department of Justice.

(E) A large urban school district.

(F) A rural school district.

(G) A suburban school district.

Approved _____, 2009

Governor